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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,000	05/30/2002	James Thomas Edward McDonnell	B-4458PCT 619452-2	6388

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,000

Applicant(s)

MCDONNELL ET AL.

Examiner

Anthony S Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 and 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/30/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 12, 2004 have been fully considered but they are not persuasive.
2. With respect to applicants argument that "Applicants can discern no motivation whatsoever for a skilled person to attempt to apply the teachings of Rangedahl to modify the method of Hastings", examiner respectfully disagrees and clarifies that "the teachings of Rangedahl are not being used to improve or modify the type of system addressed by Hastings" as being argued by applicant, but instead the teachings of Hastings are specifically being incorporated to teach the limitations that Rangedahl fails to explicitly teach, i.e. "the equipment is authorized for use in accessing target data provided on a removable data carrier or in a received data file and a comparison arrangement for comparing the current-location data with the accessed authorized-location data whereby a location-match signal is generated upon the comparison indicating that the equipment is currently located in said authorized location or locality" and these limitations are taught by Hastings, since Hastings teaches a method of accessing information, which is stored on a portable computer-readable CD-ROM which serves as a data distribution media, may be controlled based on actual geographic position of a computer system on which the information is to be accessed and the time when it is to be accessed (see col. 2, line 66 through col. 3, line 4). Hastings, further, teaches a method of comparing the actual geographic position with a geographic region within which access to the stored information is authorized (see col.

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1, lines 33-35 and Fig. 4; where step 460 compares actual geographic with a geographic position within which access to the stored information is authorized). The teachings of Hastings, therefore makes it proper to modify the system of Rangedahl to include accessing target data provided on a removable data carrier or in a received data file and a comparison arrangement for comparing the current-location data with the accessed authorized-location data, thus allowing access to information stored on a removable data carrier or in a received data file, which serves as a data distribution media control based on an actual geographic position of a computer system on which the information is to be accessed, as taught by Hastings.

Additionally, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Rangedahl and Hastings provide adequate motivation as taught for example by Hastings (see col. 1, lines 29-57).

It appears applicant is arguing against the references individually, however it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, the 35 U.S.C. 103(a) rejections using Rangedahl and Hastings with regard to claims 17 and 20-30 are proper and are maintained as repeated below. The rejections are made FINAL.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 17, 20-24 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rangedahl et al., U.S. Patent Number 5,790,074 (hereinafter Rangedahl)**, and further in view of **Hastings et al., U.S. Patent Number 6,370,629 (hereinafter Hastings)**.

Regarding claim 17, Rangedahl teaches a service system (see col. 3, lines 17-20 and Fig. 1; where an automated location verification and authorization system is shown) for determining when an item of equipment is located at a location where particular functionality of the equipment is authorized (see col. 2, lines 5-15), the service system comprising: a communications sub-system for communicating with said equipment both to receive therefrom identity information (see col. 2, lines 12-15), and to return to the equipment enablement signals for enabling said particular functionality (see col. 4, lines 9-15); a location-obtaining arrangement for obtaining current-location data representing the current location of the equipment (see col. 4, lines 16-52); a store for storing in association with identity data, authorized-location data representing a predetermined

authorized location or locality for operation of said particular functionality of the equipment (see col. 4, lines 5-8 and Fig. 1; where an authorization database 120 is shown) ; a data retrieval arrangement for using identity information received from the equipment via the communication sub-system to access the authorized-location data held in said store in respect of identity data matches the identity information (see col. 3, line 47 through col. 4, line 15). Rangedahl, however, does not specifically teach the equipment is authorized for use in accessing target data provided on a removable data carrier or in a received data file and a comparison arrangement for comparing the current-location data with the accessed authorized-location data whereby to generate a location-match signal upon this comparison indicating that the equipment is currently located in said authorized location or locality.

Hastings, however, discloses a method of accessing information, which is stored on a portable computer-readable CD-ROM which serves as a data distribution media, may be controlled based on actual geographic position of a computer system on which the information is to be accessed and the time when it is to be accessed (see col. 2, line 66 through col. 3, line 4). Hastings, further, discloses a method of comparing the actual geographic position with a geographic region within which access to the stored information is authorized (see col. 1, lines 33-35 and Fig. 4; where step 460 compares actual geographic with a geographic position within which access to the stored information is authorized).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of controlling access to stored information

based on geographic location as taught by Hastings, to the method and system of automated location verification and authorization of electronic devices of Rangedahl to include accessing target data provided on a removable data carrier or in a received data file and a comparison arrangement for comparing the current-location data with the accessed authorized-location data, thus allowing access to information stored on a removable data carrier or in a received data file, which serves as a data distribution media control based on an actual geographic position of a computer system on which the information is to be accessed, as taught by Hastings.

Regarding claim 20, Rangedahl teaches a control method for an automated system for determining the geographical location of an electronic device, verifying whether it is authorized to operate in its present geographical location, and enabling its operation if the device resides in an authorized location (see col. 2, lines 4-8). The method involving testing a location condition by: (a) sending identity information identifying said target data from the equipment to a remote service system (see col. 5, lines 46-67); (b) using the identity information at the service system to retrieve authorized-location data that is associated with the target data and represents a predetermined authorized location or locality for operation of said particular functionality of the equipment in relation to the associated target data (see col. 6, lines 1-4 and col. 6, lines 20-24); (c) obtaining at the service system current-location data representing the current location of the equipment as determined by means other than the equipment (see col. 5, line 46 through col. 6, line 22); (d) comparing the current-location data with the authorized-location data and generating a location-match signal upon this

comparison indicating that the equipment is currently located in said authorized location or locality (see col. 6, lines 20-24; where it does not specifically state a comparison of current-location data with the authorized-location data, but is inherent that to make a determination as to whether operation is allowed at the given geographical location, authorization grant function compares current-location data with location allowability data for current-location from the authorization database). Rangedahl, however, does not specifically teach equipment that is provided with particular functionality for using target data on a removable data carrier or in a received data file.

Hastings, however, discloses equipment that is provided with a particular functionality for using target data on a removable data carrier or in a received data file (see col. 1, lines 29-38 and col. 1 lines 43-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of controlling access to stored information based on geographic location as taught by Hastings, to the method and system of automated location verification and authorization of electronic devices of Rangedahl to include equipment that is provided with a particular functionality for using target data on a removable data carrier or in a received data file to access stored information files and each of these files having an associated geographic region within which access is permitted.

Regarding claim 21, Rangedahl in view of Hastings teaches all the limitations of claim 20. Rangedahl further teaches a method, wherein in step (c) the current location

data is obtained by the service system from a location determining system separate from the equipment (see col. 5, lines 46-50).

Regarding claim 22, Rangedahl in view of Hastings teaches all the limitations of claim 21. Rangedahl further teaches a method, wherein the equipment communicates with the service system by a communications infrastructure comprising a cellular radio network (see col. 3, line 38-43), the location determining system using signals associated with the cellular radio network to determine the location of the equipment (see col. 7, lines 20-25), and the remote service system obtaining said current-location data from the location determining system either directly or via the equipment (see col. 7, lines 26-35 and col. 7, lines 51-64).

Regarding claim 23, Rangedahl in view of Hastings teaches all the limitations of claim 20. Rangedahl further teaches a method, wherein the identity information is provided to the equipment along with the target data and is accessed by the equipment for sending to the service system in step (a) (see col. 5, lines 46-67).

Regarding claim 24, Rangedahl in view of Hastings teaches all the limitations of claim 20. Rangedahl further discloses a method, wherein the service system returns an enabling code to the equipment upon said first location condition and any other conditions set to be tested at the service system being satisfied (see col. 4, lines 9-14), the enabling code being used at the equipment to enable said functionality (see col. 4, lines 14-15).

Regarding claim 26, Rangedahl in view of Hastings teaches all the limitations of claim 24. Rangedahl further discloses a method, wherein the enabling code is specific

to a particular functionality of the equipment (see col. 3, lines 44-47 and col. 4, lines 9-15).

Regarding claim 27, Rangedahl in view of Hastings teaches all the limitations of claim 20. Hastings further discloses a method, wherein the target data is encrypted (see col. 1, lines 49-50) and the service system returns a corresponding decryption key to the equipment upon said first location condition, and any other conditions set to be tested at the service system, being satisfied (see col. 1, lines 50-52).

Regarding claim 28, Rangedahl in view of Hastings teaches all the limitations of claim 17. Rangedahl further discloses a system, further comprising an authorization arrangement responsive to the generation of a location-match signal and successful testing for any further conditions set to be tested at the system (see col. 2, lines 21-27 and col. 4, lines 9-14), to return to the equipment enablement signals in the form of a code for enabling said functionality of the equipment (see col. 4, lines 9 -15).

Regarding claim 29, Rangedahl in view of Hastings teaches all the limitations of claim 17. Rangedahl further discloses a system, further comprising an authorization arrangement responsive to the generation of a location-match signal and successful testing for any further conditions set to be tested at the system (see col. 2, lines 21-27 and col. 4, lines 9-14), is operative to return to the equipment enablement signals in the form of a decryption key for decrypting said target data (see col. 2, lines 53-62).

Regarding claim 30, Rangedahl in view of Hastings teaches all the limitations of claim 17. Rangedahl further discloses a service system, wherein the location-obtaining arrangement is operative to obtain said current-location data from a location server of a

cellular radio network used by the equipment (see col. 3, lines 38-43 and col. 7, lines 20-25).

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rangedahl et al., U.S. Patent Number 5,790,074 (hereinafter Rangedahl)** and **Hastings et al., U.S. Patent Number 6,370,629 (hereinafter Hastings)**, as applied to claim 24 above, and further in view of **Raith, U.S. Patent Number 6,711,408 (hereinafter Raith)**.

Regarding claim 25, the combination of Rangedahl and Hastings teaches all the limitations of claim 24. Rangedahl does not teach a method, wherein the equipment periodically checks that the identity information associated with the target data currently being used by said functionality corresponds to the identity information for which the enabling code was provided.

Raith, however teaches a method, where, in order to match the path traveled by a mobile terminal with a stored route, the mobile communication network may track the geographic location of the mobile terminal as the mobile terminal moves through the mobile communication network, preferably at periodic time intervals (see col. 7, lines 21-26) and compares the predetermined route stored in memory with the path of the mobile terminal over a predetermined distance of area (see col. 7, lines 26-29). Raith, further discloses when there is a less than a defined discrepancy between the mobile terminal and the mobile communication network, the mobile communication network validates the match and may stop monitoring the mobile terminal because the future position of the mobile terminal is expected to follow the matched route (see col. 7, lines

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29-33) and if the difference between the stored route and the current path are greater than the predefined amount (see col. 7, lines 33-35), the mobile communication network will continue to monitor the mobile terminal for another predetermined distance and compared the difference again (see col. 7, lines 35-38). Raith, discloses the loop process should continue until the mobile terminal exits the geographic area of the mobile communication network (see col. 7, lines 38-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of position assisted handoff within a wireless communication network as taught by Raith, to the method of automated location verification and authorization of electronic devices of Rangedahl as modified by Hastings to include a method, wherein the equipment periodically checks that the identity information associated with the target data currently being used by said functionality corresponds to the identity information for which the enabling code was provided, thus allowing a permitted user to see only the portion of the information which is applicable to his current geographic location.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Glick et al., U.S. Publication Number 2002/0051540 A1 (hereinafter Glick)**.

Regarding claim 31, Glick teaches a control method for enabling equipment to decrypt encrypted target data stored on a removable data carrier or in a received data file (see paragraph 0017, lines 1-17 and paragraph 0120, lines 15-22), the method comprising: sending identity information identifying said target data from the equipment to a remote service system (see paragraph 0059, lines 1-21); using the identity information at the service system to retrieve authorized-location data that is associated with the target data and represents a predetermined authorized location or locality for decrypting the target data (see paragraph 0058, lines 1-10, paragraph 0059, lines 1-21 and paragraph 0061, lines 13-20); obtaining at the service system current-location data representing the current location of the equipment as determined by a location-determining system separate from said equipment (see paragraph 0061, lines 8-13 and paragraph 0066, lines 1-18); comparing at the service system, the current-location data with the authorized-location data and upon this comparison indicating that the equipment is currently located in said authorized location or locality (see paragraph 0061, lines 8-20), and subject to any other conditions set to be tested at the service system being satisfied, returning a decryption key for the identified target data to said equipment (see paragraph 0086, lines 1-12 and paragraph 0087, 15-21); and at said equipment, using the decryption key to decrypt the encrypted target data (see paragraph 0087, lines 1-26).

Regarding claim 32, Glick teaches all the limitations of claim 31. In addition, Glick teaches a method, wherein the equipment communicates with the service system by a communications infrastructure comprising a cellular radio network (see paragraph 0120, lines 1-15), the location determining system using signals associated with the cellular radio network to determine the location of the equipment (see paragraph 0066, lines 1-18), and the remote service system obtaining said current-location data from the location determining system either directly or via the equipment (see paragraph 0061, lines 8-20 and paragraph 0066, lines 1-18).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gouge et al., U.S. Publication Number 2003/0208595 A1 discloses adaptable wireless proximity networking.

Giniger et al., U.S. Patent Number 6,199,045 discloses method and apparatus for providing position-related information to mobile recipients.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
April 25, 2005



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PRIMARY EXAMINER 4129105